

Official Form 417A (12/15)
Official Form 417A Notice of Appeal and Statement of Election page 1
[Caption as in Form 416A, 416B, or 416D, as appropriate]

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDENTIAL CAPITAL, LLC, et al.,
Post-Effective Date Debtors

Chapter 11

RESCAP BORROWER CLAIMS TRUST,
v.
RICHARD D. RODE,
Creditor-Beneficiary

Case No. 12-12020-mg

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

Richard D. Rode

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe)

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☐ Debtor
☒ Creditor
☐ Trustee
☐ Other (describe)

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Denying Joint Motion for Relief from Interlocutory Order of September 2, 2015

2. State the date on which the judgment, order, or decree was entered: October 13, 2016

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

Official Form 417A Notice of Appeal and Statement of Election page 2

1. Party: RESCAP Borrower Claims Trust

Attorney: Norman S. Rosenbaum
MORRISON & FOERSTER
50 W 55th St, New York, NY 10019
Phone: (212) 468-8000
FAX (212) 468-7900

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

☒ There is no Bankruptcy Appellate Panel in this District.

Part 5: Sign below

/s/ Wendy Alison Nora

Date: October 27, 2016

Attorney Wendy Alison Nora, pro hac vice
Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)
Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Wendy Alison Nora
ACCESS LEGAL SERVICES
310 Fourth Avenue South, Suite 5010
Minneapolis, Minnesota 55415
VOICE:(612) 333-4144
FAX: (612) 206-3AA170
accesslegalservices@gmail.com
Wisconsin Attorney ID #1017043
MN BAR #0165906

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

DECLARATION OF SERVICE

Creditor's Attorney, Wendy Alison Nora declares under penalty of perjury pursuant to 28 U.S.C. sec. 1746, that she filed the foregoing Notice of Appeal by CM/ECF and thereby served all parties capable of service via CM/ECF on October 27, 2016.

/s/ Wendy Alison Nora

Wendy Alison Nora